



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,290	07/31/2003	Ron Keppel	4097-26	2624

24256 7590 08/10/2006

DINSMORE & SHOHL, LLP
1900 CHEMED CENTER
255 EAST FIFTH STREET
CINCINNATI, OH 45202

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,290	Applicant(s) KEPPEL ET AL.	
	Examiner William J. Deane	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,419,511 (Lizell).

With respect to claims 1 and 10, note that the claim language reads on Lizell. Note Figs. 1, 1A and Fig. 2. Note that the communication device could be the computer. In addition, note Col. 9, lines 41 – 67. Note that in all configurations the modular supports are vertically arranged and can have different functions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Holland (US 5020103) in view Lizell.

Art Unit: 2614

Regarding claim 1, Holland shows:

A plurality of modular components (see fig. 2) configured to be secured to one another in a vertical arrangement, one of the components comprising a communication device mounting member (i.e. 15) configured for supporting a communication device (20), the components (in fig. 2) are configured such that they may be assembled in a plurality of vertical arrangement (figs. 3a-3d).

Holland discloses all the limitations except for the modular components being configured to perform different functions. It would have been obvious to one of ordinary skill in the art to have incorporated such configuration in order to same cost on having the device made and ease of assembly.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartley et al. (US 3752927) in view of Lizell.

Regarding claim 10, Bartley shows:

A tubular communication device mounting member (10) configured for supporting a communication device (20), and a plurality of modular components (see fig. 2) secured to the tubular member (10) in a vertical, end to end arrangement (see 50, 60, 10).

Regarding claim 19, Bartley shows:

A hollow tube (10) having at least one recessed end wall (for 60) configured for securing a plurality of modular components (60, 50).

Bartley discloses all the limitations except for the modular components being configured to perform different functions. It would have been obvious to one of ordinary skill in the

Art Unit: 2614

art to have incorporated such configuration in order to same cost on having the device made and ease of assembly.

Claims 1 – 6, 10 – 15 and 17 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scolari (US 4489306) in view of Lizell.

Regarding claim 1, Scolari shows:

A plurality of modular components (see fig. 1) configured to be secured to one another in a vertical arrangement, one of the components comprising a communication device mounting member (i.e. 10) configured for supporting a communication device (22), the components (in fig. 1) are configured such that they may be assembled in a plurality of vertical arrangement (figs. 1-2).

Scolari discloses all the limitations except for the modular components being configured to perform different functions. It would have been obvious to one of ordinary skill in the art to have incorporated such configuration in order to same cost on having the device made and ease of assembly.

Regarding claim 10, Scolari shows:

A tubular communication device mounting member (10) configured for supporting a communication device (12), and a plurality of modular components (see fig. 1, 14, 16 etc.) secured to the tubular member (10) in a vertical, end to end arrangement.

Scolari discloses all the limitations except for the modular components being configured to perform different functions. It would have been obvious to one of ordinary skill in the art to have incorporated such configuration in order to same cost on having the device made and ease of assembly.

Art Unit: 2614

Regarding claims 2-6, 8-9, 11-15 and 17-18, Scolari shows:

At least one component chosen from the group consisting of an extension sleeve and a light assembly (see 16);

A strobe light assembly (fig. 6);

An end cap (14);

A base member (66);

A mounting bracket (see 74 in fig. 10);

The end walls which is recessed (see 42, 44); and fasteners (46).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scolari in view of Lizell and further in view of Bartley et al. (US 3752927).

Regarding claims 7 and 16, Scolari/Lizell shows the components.

Scolari/Lizell differs from the claimed invention in that it does not show a gasket.

However, Bartley teaches providing a gasket (60) between components.

Hence, it would have been obvious for one of ordinary skill in the art to modify

Scolari/Lizell with a gasket as taught by Bartley, such that to provide a good seal between components (col. 2, lines 61-63 in Bartley).

Response to Arguments

Applicant's arguments with respect to claims 1 - 18 have been considered but are moot in view of the new ground(s) of rejection.

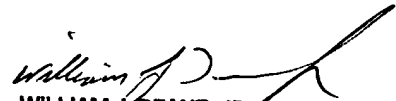
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6263069 (Schulze) – note Figs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

07Aug2006


WILLIAM G. DEANE, JR.
PRIMARY EXAMINER